

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FELIX FORCADES

v.

JAMES J. McGRADY, et al.

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CIVIL ACTION

No. 09-5502

ORDER

AND NOW, this 23rd day of November, 2010, upon consideration of the petition for writ of habeas corpus (paper no. 1) and the Report and Recommendation of United States Magistrate Judge M. Faith Angell (paper no. 16), it is **ORDERED** that:

1. No objections having been filed, the Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, is **DENIED ON THE MERITS** as to Claim No. 3 (subpart 1), and **DISMISSED WITH PREJUDICE** as to Claim Nos. 1, 2, 3 (subparts 2 through 7), 4, and 5 for procedural default, as explained in the Report and Recommendation.
3. There is no basis to issue a certificate of appealability.
4. The Clerk of Court shall mark this action **CLOSED**.

/s/ Norma L. Shapiro

J.